

ORIGINAL

In the United States District Court  
For the middle District of Pennsylvania

34  
5/24/01  
8

Douglas Henry Thornton  
Plaintiff

vs.

Donald Romine, Warden.  
et al. Defendants.

Civil No. 1:CV-00-1255  
(Kane, J.)

FILED  
HARRISBURG

MAY 23 2001

MARY E. D'ANDREA, CLERK  
Per. *[Signature]*  
DEPUTY CLERK

Brief in Support of Defendant  
Plaintiff motion of Objection to  
Defendant motion to Dismiss

This Claim was brought against the Defendant, Donald Romine, who is the Warden of the Federal Penitentiary Lewisburg Pennsylvania. (USP Lewisburg). USP Lewisburg is the place where the Subject matter that is the Cause of this action took place.

2. The Defendant, Donald Romine, was the Warden of USP Lewisburg at the time and date of this Claim. The Defendant was the Chief Executive Officer (CEO) of USP Lewisburg at the time and date of this incident and did have the appropriate Authority and legal discretionary power and Responsibility over the Subject matters mention within this Complaint. Title 5: CFR. Part 2635. Title 28: CFR. Part 43.

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The subject matter of this Complaint are the many metal detectors that the Plaintiff are forced to walk through, and the effect of the radiation from those metal detectors on Plaintiff. Plaintiff brought this matter to the defendant as the warden and Chief Executive officer of USP-Lewisburg; By way of administrative remedies that the Plaintiff filed the original and the necessary amount of Copies along with the filing of this Complaint Administrative Remedy BP-9 No# ~~193830~~ 193830-F1.

4.

Plaintiff talked with the Defendant as the Warden of USP Lewisburg about the many metal detectors and the many level ~~the~~ <sup>these</sup> metal detectors was on. And that the control box on each metal detector was not on the same level and the control boxes was being set by inmates or any one who want to for what ever reasons. The control box over top of the metal detector was out in the open where anyone can change them at any time for any reasons.

5. The ~~Defendant~~ Defendant <sup>in</sup> answering the BP-9 that I filed on the metal detectors and their effect ~~the~~ stated that the metal Detectors did not give out any level of radiation and that all the metal Detectors are to stay in place. See BP-9 No# 193830-F1. USP Lewisburg. The Defendant did not address the effect ~~the~~ of the metal Detectors.

P 3.

The Defendant as the Warden and Chief Executive Officer of USP Lewisburg could have order an investigation of the metal detectors and the level of radiation made by each metal detectors. He could have order the testing of level each metal detector was working on. He could have order that the control box that control the level each metal detectors work on be secur so that anyone can not change them when ever they wanted to. He could have order for all or some of the metal detector be remove.

6. Administrative remedies that the Plaintiff filed to offer offices within the Federal Bureau of Prisons, Northeast Regional Office. BP-10 No# [REDACTED] 193830 R1; BOP. Central Office BP-11 No# 193830-A1. did state within their response that the metal Detectors do make [REDACTED] radiation. <sup>But</sup> the level of radiation are not Sure. See attached administrative remedies to Complaint.

7. Plaintiff has filed Supporting Affidavits from other Federal or inmates who was at USP Lewisburg at the time of the Subject matters of this Complaint. These inmates has been Subjected to the same as Plaintiff and has experience some of the same effects-medical problems etc.

P-4.

8. The Defendant Romine; Did have Knowledge of the Subject matter of this Complaint and was made aware of it by the Plaintiff By way of Administrative remedies, BP-9, 46# 193830 F1. The Defendant as the warden and Chief Executive officer of USP Lewisburg. Answer the about cited BP-9. In the Defendant response to the BP-9. He stated as the Chief Executive Office and as the warden that all the Metal Detectors was to stay the same and that they do not produce any radiation. He did not address other matter mention within etc.


The Defendant answer and response to the BP-9 that Plaintiff filed or Submitted to him as the warden and (CEO) at USP Lewisburg. Made the Defendant Officially and Personally Involvement. The Defendant answer or response or lack of answers to the BP-9 that Plaintiff filed that he answer to made him involve. As the warden and Chief Executive office he could have order that the metal ~~det~~ detector be tested, removed, that the Control box Be better protected that all metal ~~det~~ detector be preset.

For reasons mention above all relief should be granted.

USP-Allenwood

may 20-2001

P.O. Box 3000

Respectfully Submit  


CERTIFICATE OF SERVICE AND PRISONER MAILING

I, Douglas Henry Thornton, being duly sworn according to law, hereby depose and say:

1. I am a prisoner at USP Allenwood, White Deer, PA.

2. On the 20 day of May, 2001, I placed one copies of the attached pleading(s) in an envelope addressed to the following party/

parties: Joseph J. Terz, Assistant U.S. Attorney,  
316 Federal Building, 240 West Third Street  
Williamsport, Pa. 17703.

Brief in Support of Plaintiff Motion of Objection  
to Defendant Motion to dismiss Civil case No. 00-  
1:CV-00-1255 (Kane, J).

3. I then affixed sufficient postage to cover first-class U.S. Mail delivery, and placed the package in the box reserved for inmate Legal Mail here at USP Allenwood on May, 2001.

SIGN UNDER THE PAIN OF PERJURY ON THIS 20 DAY

OF May, 2001.

ss Douglas H. Thornton  
Reg. No. 37461-118-1A-110

USP Allenwood  
P.O. Box 3000  
White Deer, PA 17887